

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RULES GOVERNING INCOMPATIBLE ACTIVITIES
AND OUTSIDE EMPLOYMENT

OVERVIEW

Section 2.75.020 of the San Mateo County Ordinance Code requires that each Department Head establish rules relating to incompatible activities and outside employment. These rules are to be in addition to the Conflict of Interest Code that applies to designated employees who must submit annual statements of economic interests as required.

As required by the County Ordinance Code, the following rules have been developed by the Planning and Building Department, and reviewed and approved by the Committee on Incompatible Activities. Violation of these rules may be cause for disciplinary actions up to and including dismissal as set forth in the County Ordinance Code Section 2.75.020 and in Civil Service Commission Rule XIII.

The purpose of establishing these rules is to make clear that employees should not be taking part in activities that are incompatible with their County employment.

The purpose in having all employees read and acknowledge having read the rules is to ensure that they are aware of the rules and of the types of activities which could potentially be incompatible.

In general, all employees of the Planning and Building Department (Department) are prohibited from engaging in any employment, activity, or enterprise which is inconsistent, incompatible, in conflict with, or in opposition to the duties imposed on such employees by virtue of their employment with the County of San Mateo (County). Specifically, all employees of the Department shall comply with the following

- A. No employee shall use County time, facilities, equipment or supplies, or the badge, uniform, prestige or influence of his/her position, for personal profit or advantage.
- B. An employee shall not accept money or other consideration from any person or agency for the performance of an act which is otherwise required of the employee as part of his/her regular County duties. This does not preclude an employee from engaging in outside, part-time employment provided that he/she has obtained prior written approval of the Director. If an employee engages in outside employment or activity in a similar profession or line of work as he/she performs for the County and has any uncertainty as to whether this constitutes an incompatible activity or conflict of interest, he/she may request an exception/authorization from the Director (Exhibit A).
- C. Section 2.75.070 of the County Ordinance Code limits the outside employment of any full-time employee of the County to 20 hours per week except as provided therein. The purpose of this provision is to prohibit employees in paid, full-time positions from impairing their efficiency to the County by reason of their outside activities. An employee may be exempted from this section upon obtaining the written approval of the Director.
- D. No employee shall engage in any outside employment, activity, or enterprise which may be subject to direct control, inspection, review, audit or enforcement by the employee in his/her capacity as a County employee or by any other officer or employee of the Planning and Building Department.
- E. Employees shall not engage in any outside employment or activity which involves the use of any information which is confidential or client specific.
- F. No employee in his/her capacity as a County employee shall refer private parties to a specific provider of professional services. However, an employee may respond to requests for information by offering names of several qualified individuals or firms or make reference to a source for this information. When staff respond to

requests for information, they may offer a single name in cases where only one individual or firm provides the product or service about which the client seeks information.

- G. An employee who is in a position to influence County funding or other benefits shall not serve on any board, committee, or similar body of any agency or organization which contracts with the County, receives funding from the County, or receives referrals or any other benefit from the County.
- H. No employee shall engage in any outside employment, activity or enterprise with any person, agency or organization that is under contract to provide services to the County if the employee has a direct or indirect role in awarding the contract.
- I. No employee shall hold ownership interest in any enterprise which is under contract to provide services to the County if the employee has a direct or indirect role in awarding the contract.
- J. Pursuant to sections 2.75.040 and 2.75.050 of the County's Ordinance Code, employees shall be notified of these Departmental Rules Governing Incompatible Activities, shall be notified if they are alleged to have violated such rules, and shall have a right to appeal any such discipline as follows:

Classified employees - The provisions of Civil Service Rule XIV as to notice and hearing shall be applicable to discipline imposed after a determination that a classified officer or employee has engaged in an incompatible activity or prohibited outside employment to the extent such classified officer or employee would otherwise be entitled to an appeal of such discipline under the provisions of the Charter or the rules of the Civil Service Commission.

Unclassified officers/employees - Any unclassified officer or employee may, upon being notified by the Department Head or his/her designee that said officer or employee has engaged in an incompatible activity or prohibited outside employment, may request a hearing before the Department Head, and such hearing shall be given to said officer or employee within a reasonable time. The purpose of such hearing is to permit the officer or employee to present evidence or argument in opposition to, or in mitigation of, the determination that he/she has engaged in an incompatible activity or prohibited outside employment. Such hearing is not a formal hearing and no witnesses will be allowed to testify, nor will any questioning or examination of individuals be allowed. Participation in any incompatible activity or prohibited outside employment by an unclassified employee or officer may be cause for discipline including, but not limited to, suspension, demotion, reprimand, transfer, or dismissal; provided that if disciplinary action is taken against an unclassified officer or employee on the ground that said officer or employee has engaged in an incompatible activity or prohibited outside employment, said officer or employee may appeal the determination of the Department Head to the Committee on Incompatible Activities, which Committee shall inquire into the facts surrounding said disciplinary action, and shall thereafter make a recommendation to the Department Head on the question of whether the proposed disciplinary action should be taken. Said Committee recommendation shall not be binding on the Department Head and nothing this policy is intended to interfere with a Department Head's authority to impose discipline on officers or employees including, but not limited to, suspension, demotion, reprimand, transfer, or dismissal. Should a Department Head reject the Committee's recommendation and impose discipline on an officer or employee, such discipline shall not constitute a violation of the policies set forth herein.

If any of the situations stated in the above rules are present at the time these rules are adopted or develop after that time, an employee has ten (10) working days to report that fact and request an exception, in writing, from the Director. Such approval is subject to review and change at any time.

All employees should read these rules. Each employee will sign a statement (see Exhibit B) acknowledging having read these rules. The signed statement will be kept in his/her Department personnel file.

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(9/10/07)

EXHIBIT A

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

REQUEST FOR EXCEPTION TO INCOMPATIBLE ACTIVITIES AND OUTSIDE EMPLOYMENT RULES

Section I: (to be completed by employee)

I request the approval of the Director to engage in the following employment, activity or enterprise (give a detailed description of the activity, etc., including names and addresses of employer, if applicable, and amount of time involved. Attach additional sheets if necessary):

Signature of Employee

Date

Phone Number

Pony Number

Section II: (to be completed by Director)

Action on above request for exception:

_____ Approved

_____ Disapproved

Comments: _____

Signature of Community Development Director

Date

Section III: Receipt of notification of Director's action:

Signature of Employee

Date

(When complete, this document is to be placed in the employee's Department personnel file.)

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EXHIBIT B

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

**EMPLOYEE ACKNOWLEDGEMENT – RULES GOVERNING INCOMPATIBLE ACTIVITIES AND
OUTSIDE EMPLOYMENT**

Name: _____

Department: _____

I have reviewed the rules governing incompatible activities and outside employment and understand the types of activities that are incompatible with County employment. I understand that engaging in any of these activities can be grounds for disciplinary action up to and including dismissal.

Signature of Employee

Date

(When complete, this document is to be placed in the employee's Department personnel file.)

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